

### REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-13 and 16 were pending in this application. In this Amendment, Applicant has amended claims 1, 3, 5, and 10-13, has canceled claims 2 and 4, and has not added any new claims. Accordingly, claims 1, 3, 5-13, and 16 will be pending upon entry of this Amendment.

In the Office Action mailed January 6, 2009, the Examiner rejected claims 4, 11, and 13 under 35 U.S.C. § 112, ¶ 2, as being indefinite; rejected claims 1, 2, 4, and 10-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,050,227 to Furusawa et al. ("Furusawa"); and rejected claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Furusawa in view of U.S. Patent No. 7,167,595 to Hiroshige et al. The Examiner also objected to claims 5, 7-9, and 16 as being dependent upon a rejected base claim, but indicated that those claims would be allowable if rewritten in independent form including all of the limitations of their base claim and any intervening claims.

Applicant acknowledges with thanks the Examiner's indication of allowable subject matter. In accordance with that indication, and without prejudice to or disclaimer of the subject matter of the previously pending claims, Applicant has amended claim 5 into independent form and has amended independent claims 1 and 10-13 to include the allowable subject matter of claim 5. Applicant has also canceled claims 2 and 4 and amended claim 3, to be consistent with amended claims 1 and 5. Applicant therefore respectfully submits that amended independent claims 1, 5, and 10-13 are patentable over the prior art. In addition, Applicant respectfully

Serial No.: 10/575,529  
Art Unit: 2628  
Inventor: Masaki OKA

Attorney's Docket No.: SUZ0031-US  
Page 19

submits that dependent claims 3, 6-9, and 16 are also patentable due at least to their dependence on an allowable base claim and for the additional features recited therein.

Regarding the § 112 rejections, the amendments to claims 5, 11, and 13 clarify the recitations of "closer" according to the definition set forth in previously pending claim 5, as noted by the Examiner. Applicant has similarly amended independent claim 12 for clarification. Applicant therefore respectfully requests withdrawal of the § 112 rejections.

Regarding the Examiner's objection to the specification, Applicant has amended claims 12 and 13 to add the word "recording" as suggested by the Examiner.

In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicant's undersigned representative at the number listed below.

PAUL, HASTINGS, JANOFSKY & WALKER LLP  
875 15th Street, N.W.  
Washington, D.C. 20005

Respectfully submitted,

Tel: 202/551-1700

MASAKI OKA

Date: April 24, 2009

By:

 34,542

Michael Bednarek  
Registration No. 32,329

MB/SPA/ggb  
Customer No. 36183